

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

JOHN NADZAN, III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:19-cv-00567-JPH-DLP
	)	
ERIC W. WILL,	)	
J.B. HUNT TRANSPORT SERVICES, INC.,	)	
INSITUFORM TECHNOLOGIES, LLC,	)	
	)	
Defendants.	)	

**ORDER ON JURISDICTION**

Defendants Eric Will, J.B. Hunt Transport, Inc., and Insituform Technologies, LLC filed a notice of removal alleging that this Court has diversity jurisdiction over this matter. Dkt. 1. Plaintiff John Nadzan then filed an amended complaint. Dkt. 14. For the Court to have diversity jurisdiction, the amount in controversy must exceed \$75,000, exclusive of interest and costs, and the litigation must be between citizens of different states. 28 U.S.C. § 1332(a).

For diversity jurisdiction purposes, “the citizenship of an LLC is the citizenship of each of its members.” *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). For LLCs, parties must “work back through the ownership structure until [reaching] either individual human beings or a formal corporation with a state of incorporation and a state of principal place of business.” *Baez-Sanchez v. Sessions*, 862 F.3d 638, 641 (7th Cir. 2017); *Thomas*, 487 F.3d at 534. For individuals, citizenship is not based on where

the individual resides, but on where the individual is a citizen. *Hunter v. Amin*, 583 F.3d 486, 491 (7th Cir. 2009).

Here, both the notice of removal and amended complaint identify Defendant Insituform Technologies as an LLC. Dkt. 1 at 3; dkt. 14 at 1. But they fail to identify the LLC's members or the citizenship of those members. See dkt. 1; dkt. 14. The amended complaint also alleges residency—rather than citizenship—of John Nadzan and Eric Will, and does not allege an amount in controversy greater than \$75,000 exclusive of interest and costs. See dkt. 14. Counsel have an obligation to analyze subject-matter jurisdiction, *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012), and a federal court always has the responsibility to ensure that it has jurisdiction, *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 427 (7th Cir. 2009). The Court's obligation includes knowing the details of the underlying jurisdictional allegations. See *Evergreen Square of Cudahy v. Wis. Hous. and Econ. Dev. Auth.*, 776 F.3d 463, 465 (7th Cir. 2015) (“the parties’ united front is irrelevant since the parties cannot confer subject-matter jurisdiction by agreement . . . and federal courts are obligated to inquire into the existence of jurisdiction *sua sponte*”).

Therefore, the Court **ORDERS** all parties to file a joint jurisdictional statement by **March 2, 2020**, addressing the issues identified in this order. The clerk **shall update** Defendant J.B. Transport Services, Inc. to J.B. Hunt Transport, Inc. on the docket.

**SO ORDERED.**

Date: 1/29/2020

James Patrick Hanlon

James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

Lee C. Christie  
CLINE FARRELL CHRISTIE LEE & BELL, PC  
lee@cfclb-law.com

Kyle Christie  
CLINE FARRELL CHRISTIE LEE & BELL, PC  
kyle@CFCLB-law.com

Keith A. Gaston  
CRUSER MITCHELL NOVITZ SANCHEZ & ZIMET, LLP  
kgaston@cmlawfirm.com

Bruce D. Jones  
CRUSER MITCHELL NOVITZ SANCHEZ & ZIMET, LLP  
bjones@cmlawfirm.com

Bradley M. Owen  
CRUSER MITCHELL NOVITZ SANCHEZ & ZIMET, LLP  
bowen@cmlawfirm.com

Rachel O. Webster  
CRUSER, MITCHELL, NOVITZ, SANCHEZ, GASTON & ZIMET LLP  
rwebster@cmlawfirm.com